



Appeal Decision

Site visit not required

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 MARCH 2025

Appeal Ref: APP/B3410/C/24/3345791

The land known as 16 Queensbridge, Burton-upon-Trent, DE14 3AD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Hamza Ali Ltd against an enforcement notice issued by East Staffordshire Borough Council.
 - The notice was issued on 25 April 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a single storey outbuilding to the rear of the dwelling on the attached plan.
 - The requirements of the notice are to a) remove the unauthorised single storey outbuilding identified in paragraph 3 above and b) return the land to its previous condition prior to the erection of the unauthorised single storey building which includes removal of imported hard-core/aggregate from the land.
 - The period for compliance with the requirements is 2 calendar months beginning with the day on which this notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed, and the enforcement notice is upheld.

Reasons

1. An appeal made on ground (f) is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control or to remedy any injury to amenity which has been caused by any such a breach.
2. The appellant states that the contractor gave him incorrect advice, although he accepts ultimate responsibility being the homeowner. He comments that suitable alterations could be made to the outbuilding which would allow planning permission to be granted. I do not know what alterations are proposed to be made to the outbuilding and, in any event, I cannot consider the planning merits of all, or part of the matters alleged in the notice, as a deemed planning application under ground (a) of section 174(2) of the Act is not before me.
3. The appellant has effectively asked that this appeal be put in abeyance pending the outcome of the submission of a new planning application to the local planning authority (LPA). I do not know if a new planning application has been submitted to the LPA. Moreover, there is no evidence before me to indicate that planning permission has been approved for all or part of the matters alleged in the notice. I emphasise that in the event that planning permission were to be approved by the LPA for all or part of the matters alleged in the notice, section

180(1) of the Act states that where after service of a copy of the enforcement notice '*planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission*'.

4. While I acknowledge the comment made that incorrect advice was allegedly given by the contractor, this is not a relevant matter to be considered as part of a ground (f) appeal. The purpose of the notice is to remedy the breach of planning control. In this regard, the requirements in the notice are not excessive. Consequently, the ground (f) appeal fails.

Conclusion

5. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

D Hartley

INSPECTOR